### IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NORTHEASTERN DIVISION

Joseph & Melody Konowitz	)
Plaintiffs	) No. 2:13-cv-00005 / Jury
	) Judge Sharp
V.	) Magistrate Judge Griffin
Titeflex Corporation d/b/a Gastite	
Defendant	) ) )

# JOINT MOTION TO STAY MERIT DISCOVERY AND SET BRIEFING SCHEDULE FOR TITEFLEX'S MOTION TO DISMISS

Plaintiffs Joseph and Melody Konowitz and Titeflex Corporation, Gastite Division, (collectively the parties) file this Joint Motion requesting that merit based discovery be stayed and a briefing scheduled be entered regarding the resolution of Titeflex's Motion To Dismiss For Lack of Subject Matter Jurisdiction. In support of this Motion, both parties state the following:

- 1. Titeflex has filed a Motion to Dismiss for lack of subject matter jurisdiction. The basis for this Motion is Titeflex's principal place of business is located in Tennessee. Plaintiffs intend to oppose this Motion.
- 2. Currently, there are numerous discovery matters before the Magistrate. See, e.g. Docket Nos. 66-68. Because the Motion to Dismiss is a threshold dispositive matter, the parties have agreed that all merit-based discovery should be stayed until the Court resolves the Motion to Dismiss. The parties further agree that any further filings regarding merit-based discovery matters should be stayed until the Motion to Dismiss is resolved. This includes, but is not limited to, Titeflex's Response and Opposition to Docket No. 66, 67, and 68.

- 3. Plaintiffs have served the subpoena referenced in Docket No. 68 and Plaintiff agrees to suspend the subpoena and will not seek enforcement of the subpoena until the Court resolves the Motion to Dismiss. To the extent necessary, Titeflex reserves it right to file a Motion to Quash the Subpoena until the Motion to Dismiss For Lack of Subject Matter Jurisdiction is resolved.
- 4. Until the Court resolves the Motion to Dismiss for Lack of Subject Matter Jurisdiction, the parties agree that discovery will be limited to the issues identified in Titeflex's Motion to Dismiss For Lack of Subject Matter Jurisdiction. Plaintiffs have already served written discovery on these topics and has requested the deposition of Dave Oehlers. The parties have agreed to complete written jurisdictional discovery on or before April 10, 2014 and to complete the deposition of Dave Oehlers between April 15, 2014 and April 24, 2014.
- 5. The Parties agree that Plaintiffs' Response to the Motion to Dismiss shall be due on May 15, 2014. Titeflex's Reply Brief shall be due as required under the Federal Rules of Civil Procedure, the Local Rules for this Court and Judge Sharp's practice manual. This request for extension is requested to allow the Parties sufficient time to complete jurisdictional based discovery.

WHEREFORE, the Parties respectively requests the Court grant their Joint Motion for a Stay of Merit Discovery and Set Briefing Schedule.

#### RESPECTFULLY SUBMITTED,

#### Quist, Cone & Fisher, PLLC

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## **CERTIFICATE OF SERVICE**

	I he	reby	certify	that a	copy	of th	e foregoi	ing has	been	sent	via	the Cour	t's Cl	M/E	CF
system	to I	Mr.	Michael	Durr,	Plaint	tiff's	Counsel.	Copies	may	also	be	accessed	throu	ıgh	the
Court'	s elec	ctron	ic filing	system	١.										

This 24th	day	of M	Iarch	2014.
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By: /s/ Rocklan W. King III